

REMARKS

Claims 1-10 were presented for examination in the present application. The instant amendment cancels claims 1-3, 14-16, and 22-24 without prejudice and adds new claims 25-30. Thus, claims 25-30 are presented for consideration upon entry of this amendment.

Claims 1-3, 14-16, and 22-24 were rejected under 35 U.S.C. 103(a) as being unpatentable over GenBank Accession No: AF068223 ("GenBank '223"), in view of U.S. Patent No. 5,948,883 ("Yoshida").

Claims 1-3, 14-16, and 22-24 have been cancelled thereby rendering the rejections to these claims moot. Reconsideration and withdrawal of the rejections to claims 1-3, 14-16, and 22-24 are respectfully requested.

Claims 25-30 have been added to point out various aspects of the present application. It is believed that new claim 25-30 are in condition for allowance.

Independent claim 25 recites a method for treating a flavivirus or pestivirus infection, comprising administering a pharmaceutical composition comprising a Jab1 protein to a patient.

Applicants respectfully submit that Yoshida never discloses Jab1 or an homology of Jab1 directly. Yoshida simply teaches that the Jab1 gene is a human homologous gene of pad1⁺ (pombe AP-1) and accelerates the transcription activation capability of a jun family (column 1, lines 46-52). In

addition, the disclosed novel nucleotide sequences and polypeptide sequences in Yoshida have no homology to pad1⁺ (homologous gene of Jab1). Particularly, Yoshida teaches that the novel protein represented by SEQ ID NO:1 has no homology to known proteins of higher organisms including a human being. In comparison with any known protein, only a 51.6% homology to *Schizosacchomyces pombe* crml⁺ and only a 45.8% homology to *Saccharomyces cerevisiae* CRM1 were observed (column 27, lines 16-26). In addition, Yoshida provides no suggestion that the novel protein of Yoshida has activity in treating a flavivirus or pestivirus infection as presently claimed. Furthermore, Yoshida never discloses that pad 1⁺ (homologous gene of Jab 1) has the effect of treating a virus infection.

Moreover, GenBank '223 discloses only the sequence of Jab1, but never teaches the use of Jab1 for treating a flavivirus or pestivirus infection. Therefore, one skilled in the art would not be easily led from Yoshida and GenBank '223 to the fact that Jab 1 could be used as a method for treating a flavivirus or pestivirus infection.

As such, Applicants respectfully submit that none of the cited art, either alone or in combination, teaches the method recited by claim 25.

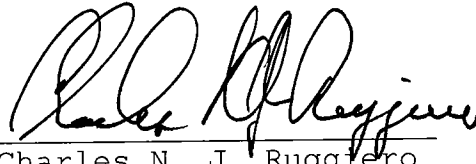
Claim 25 is in condition for allowance. Claims 26 through 30 depend from independent claim 25 and are in condition for allowance for at least the reasons given above for claim 25.

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Such action is solicited.

If for any reason the Examiner feels that consultation with Applicants' attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,

Date: March 15, 2010

A handwritten signature in black ink, appearing to read "Charles N. J. Ruggiero", written over a horizontal line.

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